

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JACK EARL RUMMERFIELD,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:22-cv-01571-SAB

ORDER RE: STIPULATED MOTION TO
MODIFY SCHEDULING ORDER

(ECF Nos. 5, 16)

On May 24, 2023, the parties submitted a stipulated request to extend the briefing schedule, which the Court construes as a stipulated motion to modify the scheduling order. (ECF No. 16.) The parties seek an extension of time to file Plaintiff's motion for summary judgment from May 24, 2023, to June 2, 2023. This is Plaintiff's second request for an extension. The parties proffer good cause exists for the brief, nine-day extension, in light of counsel's multiple other merit briefs due the same week. Further, Plaintiff's counsel apologizes for the filing of this request on the eve of the deadline and proffers the untimeliness was the result of an oversight following counsel's leave of absence due to her father's illness and subsequent passing, and immediately attending a conference upon her return to work, as well as needing to "work up" her entire caseload since her return to work to ensure the timely meeting of all other deadlines. (Id. at 2.) Counsel also notes there was an apparent technical problem with the main office's calendar-syncing function which

1 contributed to the late request. The Court is satisfied that good cause exists to grant the requested
2 extension.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The parties' stipulated motion to modify the schedule (ECF No. 16) is GRANTED;
- 5 2. Plaintiff shall have until **June 2, 2023**, to file the motion for summary judgment;
- 6 and
- 7 3. All remaining deadlines as set forth in the scheduling order (ECF No. 5) shall be
- 8 modified accordingly.

9
10 IT IS SO ORDERED.

11 Dated: **May 24, 2023**

A handwritten signature in blue ink, appearing to read "James A. Be...", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE